

Message Text

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ORIGIN EB-11

INFO OCT-01 ARA-11 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 L-03 SS-15 NSC-10 H-02

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DRAFTED BY EB/ AN: WBCOBB: SLM

5/24/73: EXT 22654

APPROVED BY EB/ AN: MHSTYLES

ARA/ CEN - MR. HINES

CAB - MR. LITTON

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P 242118 Z MAY 73

FM SECSTATE WASHDC

TO AMEMBASSY GUATEMALA PRIORITY

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E. O. 11652: N/ A

TAGS: ETRN, GT

SUBJ: CIVAIR-- AVIATECA AND THE CAB

REF: GUATEMALA 2480

1. PROBLEM OF AVIATECA' S COMMINGLING OF BLIND SECTOR TRAFFIC (I. E. CARRYING REVENUE PASSENGERS BETWEEN GUATEMALA AND MERIDA ON THE SERVICE BETWEEN GUATEMALA AND NEW ORLEANS) WAS CALLED TO DEPTS ATTENTION MAY 22 BY AMB. ASENSIO. AT HIS REQUEST DEPT INVESTIGATED BACKGROUND OF CASE AND HAS BEEN INFORMED AS FOLLOWS BY CAB STAFF:

A. INFORMATION CAME TO LIGHT IN MARCH WHEN AVIATECA WITNESS TESTIFIED IN HEARING BEFORE CAB ADMINISTRATIVE LAW JUDGE IN CONNECTION WITH APPLICATION FOR AMENDMENT OF PERMIT TO MAKE STOP IN MERIDA ON ROUTE TO NEW ORLEANS.

B. JUDGE' S RECOMMENDED DECISION, FAVORABLE TO AVIATECAS REQUEST, WAS ISSUED APRIL 26. BOARD' S BUREAU OF LIMITED OFFICIAL USE

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ENFORCEMENT, IN ROUTINE REVIEW OF FACTS PRESENTED AT HEARING, DISCOVERED THE ANOMOLY AND IN NORMAL FASHION HAS CALLED IT TO CARRIERS ATTENTION, REQUESTING CORRECTIVE ACTION. LETTER WAS NOT IN ANY WAY AIMED AT GOG BUT WAS TO COMMERICAL OPERATOR AVIATECA.

C. AVIATECA'S ATTORNEY CAN FILE, UNDER PART 216 OF BOARD'S ECONOMIC REGULATIONS APPLICATION FOR SPECIAL AUTHORIZATION FOR COMMINGLING, FOR SPECIFIED PERIOD (E. G. SIX MONTHS) AND REQUEST IMMEDIATE ACTION ON APPLICATION.

D. FINAL CAB DECISION ON PERMIT HAS NOT YET BEEN TAKEN.

2. ABOVE INFORMATION GIVEN TO AMB. ASENSIO WHO WAS URGED TO STIMULATE AVIATECAS LOCAL ATTORNEY INTO EARLY ACTION ON 216 APPLICATION. BOARD STAFF ADVISES THAT ATTORNEY MOVED QUICKLY AND TODAY FILED 216 APPLICATION.

3. FYI. DIFFICULTY WOULD NOT HAVE ARISEN HAD AVIATECA'S LOCAL ATTORNEY TAKEN PROPER STEPS TO COVER CARRIER OPERATIONS WHEN TESITMONY PRESENTED AT HEARING IN MARCH. NOW THAT HE HAS DONE SO, AVIATECA CAN GET A 30- DAY PROVISIONAL PERMIT TO BE FOLLOWED BY BOARD ACTION TO COVER ENTIRE PERIOD UNTIL PERMIT AMENDED TO ADD MERIDA. SITUATIONS OF THIS TYPE ARISE OCCASIONALLY EVEN FOR BEST RUN AIRLINES, AND CAN USUALLY BE RESOLVED BETWEEN CARRIERS ATTORNEY AND BOARD WITHOUT DIFFICULTY. IT IS UNUSUAL FOR CARRIERS TO BRING THEM TO ATTENTION OF GOVERNMENTS. END FYI.

4. CAB FINAL ACTION ON APPLICATION TO AMEND PERMIT TO ADD MERIDA TO ROUTE WILL IN ITSELF NOT COMPLETE FORMALITIES. WHITE HOUSE APPROVAL OF SUCH ACTION IS NECESSARY AND REALISTICALLY IT MUST BE ANTICIPATED THAT AT LEAST A MONTH OR TWO MAY BE REQUIRED. HOWEVER, IN INTERIM PRESENT OPERATIONS CAN BE SATISFACTORILY COVERED AS INDICATED ABOVE.

5. HAVE REQUESTED REPORT ON GOG TALKS WITH CAB VICE CHAIRMAN GILLILLAND, AND STATEMENT OF BOARD POLICY ON LIMITED OFFICIAL USE

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US CARRIER PARTICIPATION WITH FOREIGN AIRLINES WHICH WILL BE TRANSMITTED WHEN RECEIVED. RUSH

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NMAFVVZCZ

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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